

UKRAINE (Tier 2)

Ukraine is a source, transit, and increasingly a destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian trafficking victims are subjected to trafficking in Russia, Poland, Iraq, Portugal, United Arab Emirates, the Czech Republic, Turkey, Germany, Azerbaijan, Israel, Lithuania, Lebanon, Cyprus, Greece, Italy, Macedonia, Spain, Syria, the United States, Albania, Bahrain, Bosnia & Herzegovina, China, Egypt, Hungary, India, Kazakhstan, Kosovo, Moldova, Montenegro, Serbia, Slovenia, South Africa, Syria, Turkmenistan, and the Netherlands. Within the country, Ukrainian women and minors were trafficked for sexual exploitation, men and women of all ages were trafficked for forced labor, and children from disadvantaged families were forced to beg. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine. Men, women, and children from Uzbekistan, Pakistan, Cameroon, Moldova, Germany, Albania, and the Czech Republic are subjected to forced labor and sex trafficking in Ukraine. The most prevalent sectors for labor exploitation were construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging or selling. Often, traffickers are part of small organized crime networks, the majority of which are led by Ukrainians with foreign partners, particularly in Germany, Russia, and Poland.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed legislation that could improve the delivery of services to trafficking victims, including through the development of a national victim referral mechanism. The judicial system convicted more trafficking offenders and sentenced the majority to time in prison. The government, through a limited pilot project, also increased the number of victims identified and referred to NGOs for assistance, though it did not fund NGO-provided services to victims, and services available for child victims remained inadequate. The government did not take sufficient steps to investigate, prosecute, and convict government officials complicit in human trafficking crimes and did not develop effective mechanisms for the proactive identification and referral of trafficking victims to services.

Recommendations for Ukraine: Vigorously investigate, prosecute, and convict government officials complicit in trafficking crimes and ensure that guilty officials receive time in prison; continue to investigate actively and prosecute trafficking offenses, and seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; improve collection of data to disaggregate forced labor and sex trafficking offenses; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases; implement effectively the new national referral mechanism to ensure the proactive identification and referral of trafficking victims to services; widely disseminate information about the new human trafficking law among governmental institutions; expand services provided by the government to victims of trafficking and provide funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; encourage courts to use victim-centered methods of collecting testimony and equip them with the technology and facilities to do so; ensure victims of trafficking are not penalized for acts committed as a direct result of being trafficked; further expand prevention efforts in coordination with civil society; increase interagency coordination to combat human trafficking; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine increased law enforcement efforts during the reporting period, particularly increasing the number of convictions of trafficking offenders. Article 149 of the Criminal Code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported initiating 125 investigations into trafficking

offenses in 2011, down from 145 in 2010 and 160 in 2009. The government prosecuted 135 trafficking cases under Article 149 in 2011, compared with 111 trafficking cases prosecuted in 2010 and 80 in 2009. The government reported that it convicted 158 trafficking offenders in 2011, an increase from 120 in 2010 and 110 in 2009. Of the 91 convicted trafficking offenders who did not appeal courts' decisions in 2011, 53 received sentences with prison terms. Sentences ranged from less than two years' to 10 years' imprisonment. Thirty-six convicted traffickers were placed on probation, an increase from 33 in 2010. Additionally, appeals of 67 convicted traffickers were still pending in 2011, compared with 25 in 2010. The government did not, however, disaggregate its law enforcement data to demonstrate efforts against both sex and labor trafficking. Prosecutors continued to appeal low sentences imposed on convicted trafficking offenders, appealing 45 such sentences in 2011. In 2011, the Ukrainian government cooperated on joint investigations with at least twenty other governments and executed three extradition requests. During the year, the responsibility for investigating human trafficking offenses reverted from the specialized Department of Combating Cyber Crime and Human Trafficking to a subordinate unit in the Criminal Search Department, which had held this responsibility until 2005. The government continued to include trafficking-specific sessions in its regular training seminars for judges. In December, the National Academy of Prosecutors conducted a seminar for law enforcement personnel on strengthening their capacity to combat human trafficking.

Government officials' complicity in human trafficking offenses continued to be a serious problem in 2011. While the government provided no statistics regarding investigations on public officials, NGOs reported that official trafficking-related corruption was a problem, including complicity of prosecutors, judges, and border guards. Local and oblast-level corruption interfered with the investigation and prosecution of trafficking cases. Local experts reported one case in Volyn oblast, however, in which the government is prosecuting a village council deputy who organized a criminal ring that trafficked 20 women to Poland. During 2011, three anti-trafficking officers who solicited bribes from women engaged in prostitution were convicted and sentenced to 3.5 years' imprisonment; their appeal was still pending at the end of the reporting period.

Protection

The government did not expand its victim protection efforts during the reporting period, though it did pass a law that should improve the delivery of services to victims in the future. In September 2011, the legislature passed the Law on Combating Trafficking in Human Beings, which assigned anti-trafficking responsibilities to various government agencies and codified the government's anti-trafficking protection policies. Additionally, the statute requires the establishment of a formal mechanism for referral of victims for the provision of assistance. The new law requires front-line responders to refer all potential trafficking victims to the Ministry for Social Policy (MSP) for formal victim identification and state assistance. The government continued its pilot project, in partnership with the OSCE, to develop a referral mechanism in two oblasts; 43 victims were identified and assisted within the pilot project framework in 2011, an increase from 20 in 2010. According to the Ministry of the Interior, the government identified 294 victims, compared to 277 in 2010 and 359 in 2009. In 2011, IOM, working with its local NGO partners, provided reintegration assistance to 823 Ukrainian victims, a decrease from 1,085 victims in 2010, about three quarters of whom were victims of labor trafficking. The government did not provide any funding to NGOs providing assistance to victims of trafficking, although it did provide some in-kind assistance to NGOs assisting victims and engaged in other anti-trafficking activities, including administrative expenses and facility space. Government-supported shelters reported providing assistance to 15 trafficking victims in 2011. The government, however, continued to rely on international donors to provide the majority of funding for victim assistance. The government continued to place child trafficking victims in temporary shelters for homeless children that do not offer specialized services for trafficking victims. The government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers; 294 victims assisted in pre-trial trafficking investigations in 2011. Meanwhile, the government made modest improvements in

protecting victim witnesses by more frequently using victim-centered methods of collecting testimony. The new human trafficking law provides foreign trafficking victims with the opportunity to apply for a three-month temporary residence permit, which can be extended for participation in judicial proceedings or if the victim's safety would be comprised by his or her repatriation. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked; however, three victims were detained for six months because they were not initially recognized as trafficking victims, and another victim was detained while awaiting deportation because there was not yet a temporary legal status for trafficking victims. The Department on Combating Organized Crime was reportedly more active in proactively investigating human trafficking rings and regularly monitored farms and industrial areas, though those doing the investigations were not the personnel who had previously received specialized training in conducting anti-trafficking investigations. IOM identified 23 foreign victims of trafficking during the reporting period.

Prevention

The Government of Ukraine continued its limited trafficking prevention activities during 2011. The government prepared 15 anti-trafficking public service announcements for Ukrainian television, published 136 articles for print and electronic media, and aired 19 radio reports. The government took some steps to regulate private companies involved in the recruitment of Ukrainians for work abroad. The government provided in-kind and limited financial assistance to NGOs for trafficking-prevention activities. Together with IOM, the government conducted five counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2011; these trainings are mandatory for Ukrainian peacekeepers. In January 2012, the government designated the MSP as the national anti-human trafficking coordinator. At the end of the reporting period, the Government of Ukraine adopted the National Plan on Combating Human Trafficking for 2012-2015. The government did not conduct any anti-trafficking prevention campaigns to address demand for commercial sex.